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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,857	07/02/2003	Leo Chiu	P8108	4334

24739 7590 01/10/2006

CENTRAL COAST PATENT AGENCY
PO BOX 187
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EXAMINER

GAUTHIER, GERALD

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 01/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/613,857	CHIU, LEO	
	Examiner	Art Unit	
	Gerald Gauthier	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 02 July 2003.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-36 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 02 July 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/2/2003.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claim(s) 1-36** are rejected under 35 U.S.C. 102(e) as being anticipated by Bogard (US 6,757,365 B1).

Regarding **claim(s) 1**, Bogard discloses a voice application creation and deployment system (FIG. 3 and column 1, lines 7-10) comprising:

 a voice application server (310 on FIG. 3) for serving voice applications to clients over a data network (column 5, lines 14-26);

 at least one voice portal node (307 on FIG. 3) having access to the data network, the portal node for facilitation of client interaction with the voice applications (column 5, lines 14-26); and

 a behavioral adaptation engine executable from the application server (column 3, line 63 to column 4, line 4);

characterized in that the behavioral adaptation engine intercepts client responses during voice interaction with a served application, analyzes them for one or a

combination of behavior patterns and mood states according to pre-existing constraints and received client information, and determines which of a set of possible dialog responses including linked to or insert able options will be submitted for VXML page rendering to create a next enterprise response played to the client (column 3, line 63 to column 4, line 4) and (column 6, lines 45-63).

Regarding **claim(s) 2**, Bogard discloses a system, wherein the data network is the Internet network (column 5, lines 14-26).

Regarding **claim(s) 3**, Bogard discloses a system, wherein the data network is a combination of the Internet and telephony network (column 5, lines 14-26).

Regarding **claim(s) 4**, Bogard discloses a system, wherein the behavioral adaptation engine is part of the application logic of the voice application server (column 3, line 63 to column 4, line 4).

Regarding **claim(s) 5**, Bogard discloses a system, wherein the at least one voice portal is an interactive voice response system combined with a telephony server (column 3, lines 49-60).

Regarding **claim(s) 6**, Bogard discloses a system, wherein the at least one voice portal is a computerized node connected to a data network having access to the Internet (column 5, lines 14-26).

Regarding **claim(s) 7**, Bogard discloses a system, wherein the behavioral adaptation engine analyzes audio files recorded at the at least one voice portal and sent to the application server as digital audio files attached to client responses (column 3, line 63 to column 4, line 4).

Regarding **claim(s) 8**, Bogard discloses a system, wherein the behavioral adaptation engine executes upon receipt of a trigger event (column 3, line 63 to column 4, line 4).

Regarding **claim(s) 9**, Bogard discloses a system, wherein the constraints are related to one or a combination of menu navigation behavior or perceived mood state of the client (column 3, line 63 to column 4, line 4).

Regarding **claim(s) 10**, Bogard discloses a system, wherein the dialog responses and linked options are stored in a data store and are accessible to the behavioral adaptation engine (column 3, line 63 to column 4, line 4).

Regarding **claim(s) 11**, Bogard discloses a system, wherein the received client-information includes one or a combination of line identification, number identification, client history data, voice imprint results, and recorded voice samples (column 3, lines 22-33).

Regarding **claim(s) 12**, Bogard discloses a system, wherein voice sampling is used to discern mood (column 3, line 63 to column 4, line 4).

Regarding **claim(s) 13**, Bogard discloses a system, wherein received client information is used in conjunction with voice analysis to determine a response (column 4, lines 5-13).

Regarding **claim(s) 14**, Bogard discloses a system, wherein the behavioral adaptation engine detects voice inflection variances and volume characteristics of sampled audio to facilitate mood discernment of a client (column 4, lines 5-13).

Regarding **claim(s) 15**, Bogard discloses a system, wherein the variances and volume characteristics of an interaction are collected over multiple interactions with a same application to develop statistics used in gauging enterprise response probability values (column 4, lines 5-13).

Regarding **claim(s) 16**, Bogard discloses all the limitations of **claim(s) 16** as stated in **claim(s) 1**'s rejection above and furthermore Bogard discloses at least one data input port for receiving XML-based client interaction data including audio files attached to the data (column 6, line 64 to column 7, line 3);

at least one bi-directional data port for sending data to and receiving data from external data systems and modules (column 6, lines 45-63);

a logic processing component including an XML reader and voice player and analyzer for processing received data (column 6, lines 45-63); and

a decision logic component for processing result data against one or more constraints (column 6, lines 45-63).

Regarding **claim(s) 17**, Bogard discloses an engine, wherein the engine is hosted in a voice application server (column 5, lines 14-26).

Regarding **claim(s) 18**, Bogard discloses an engine, wherein the server is hosted on the Internet network (column 5, lines 14-26).

Regarding **claim(s) 19**, Bogard discloses an engine, wherein the voice application and deployment system includes at least one voice portal for facilitation of client access to voice applications (column 5, lines 14-26).

Regarding **claim(s) 20**, Bogard discloses an engine, wherein the engine is executed to function upon receipt of a trigger event (column 3, line 63 to column 4, line 4).

Regarding **claim(s) 21**, Bogard discloses an engine, wherein the constraints are related to one or a combination of menu navigation behavior or perceived mood state of the client (column 3, line 63 to column 4, line 4).

Regarding **claim(s) 22**, Bogard discloses an engine, wherein data from external data resources is used as additional input data for decision processing (column 6, lines 45-63).

Regarding **claim(s) 23**, Bogard discloses an engine, wherein the received client data includes one or a combination of line identification, number identification, client history data, and voice imprint results (column 3, lines 23-32).

Regarding **claim(s) 24**, Bogard discloses an engine, wherein voice sampling is used to discern mood state (column 3, line 63 to column 4, line 4).

Regarding **claim(s) 25**, Bogard discloses an engine, wherein the voice analyzer detects voice inflection variances and volume characteristics of sampled audio to facilitate mood discernment of a client (column 3, line 63 to column 4, line 4).

Regarding **claim(s) 26**, Bogard discloses an engine, wherein the variances and volume characteristics of an interaction are collected over multiple interactions with a same application to develop statistics used in gauging enterprise response probability values (column 3, line 63 to column 4, line 4).

Regarding **claim(s) 27**, Bogard discloses a method for identifying an appropriate one or set of a plurality of voice application dialog responses to data input resulting from a client interaction with a voice application (FIG. 3 and column 1, lines 7-10) comprising:

- (a) receiving the data input during run of the voice application (column 7, lines 15-35);
- (b) interpreting the data input (column 7, lines 36-46);
- (c) analyzing the input for validity of one or more constraints (column 7, lines 36-46);
- (d) comparing the analyzed results with additional external data (column 7, lines 47-58);
- (e) analyzing the comparison results for continued validity of the one or more constraints (column 7, lines 47-58); and
- (f) identifying one or more available response options according to the valid constraints (column 7, lines 59-67).

Regarding **claim(s) 28**, Bogard discloses a method, wherein the voice application is VXML compliant (column 6, lines 45-63).

Regarding **claim(s) 29**, Bogard discloses a method, wherein in step (a) the data input includes client identification data, client dialog data, and digital audio sampled from the dialog (column 3, lines 23-32).

Regarding **claim(s) 30**, Bogard discloses a method, wherein steps (d) and (e) are optional steps (column 7, lines 47-58).

Regarding **claim(s) 31**, Bogard discloses a method, wherein in step (c) the constraint validity lends to indication of mood state determination of the client (column 3, line 63 to column 4, line 4).

Regarding **claim(s) 32**, Bogard discloses a method, wherein in step (c) the constraint validity lends to indication of behavioral state determination of the client (column 3, line 63 to column 4, line 4).

Regarding **claim(s) 33**, Bogard discloses a method, wherein in step (c) the constraint validity lends to an indication of both mood state and behavioral state of the client (column 3, line 63 to column 4, line 4).

Regarding **claim(s) 34**, Bogard discloses a method, wherein in step (d) the external data includes statistical data resulting from of past interactions with the same dialog of the same application (column 3, line 63 to column 4, line 4).

Regarding **claim(s) 35**, Bogard discloses a method, wherein in step (f) identification of one or more available response options includes submitting the one or more response options to an external module for further processing and narrower selection (column 3, line 63 to column 4, line 4).

Regarding **claim(s) 36**, Bogard discloses a method, wherein the external module is a text-to-speech pre-processor (column 8, lines 45-57).

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


GERALD GAUTHIER
PATENT EXAMINER

Gerald Gauthier
Examiner
Art Unit 2645

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January 5, 2006